IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.3469 of 1998

For Approval and Signature:
HONOURABLE MR.JUSTICE D.A.MEHTA Sd/-

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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VASNATKUMAR MANILAL PATEL - Petitioner(s)
Versus
KAPADVANJ NAGARPALIKA & 1 - Respondent(s)

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Appearance :
M/S THAKKAR ASSOC. for Petitioner(s) : 1,
MR VC DESAI for Respondent(s) : 1,
MR SP HASURKAR, AGP for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

Date : 06/07/2006
ORAL JUDGMENT

1. This petition, under Article 226 of the Constitution of India, was filed challenging order dated 21st April, 1998 made by respondent No.1-Nagarpalika in pursuance of order dated 13th April, 1998 made by the District Collector, Kheda District, respondent No.2 herein, in the following circumstances.

2. Respondent No.1-Nagarpalika invited applications by issuing advertisement for various posts and one of them was in relation to Fireman. Thereafter the petitioner was duly appointed to the post vide order dated 11th August, 1995. On 13th April, 1998 respondent No.2 informed the respondent No.1-Nagarpalika that the appointment of the petitioner was not proper as the petitioner did not possess the requisite qualification necessary for holding post of a fireman. Accordingly, by the impugned order dated 21st April, 1998, the petitioner was informed that his services are to be terminated w.e.f. 13th April, 1998 after office hours.

3. While admitting the petition on 20th July, 1998 this Court had directed respondent No.1-Nagarpalika to send the petitioner for training. It is an admitted position between the parties that the petitioner was accordingly sent by respondent No.1-Nagarpalika for training. Today, the learned advocate Mr.V.C. Desai, appearing on behalf of respondent No.1-Nagarpalika, has placed on record communication dated 1st July, 2006 addressed by the Chief Officer of Nagarpalika to the learned advocate, annexing therewith certificate of training

issued by Fire Service Training Center of Ahmedabad Municipal Corporation. The said certificate records that the petitioner has undergone 'Elementary Fire Fighting Course' between 1st August, 1998 to 31st August, 1998. The aforesaid communication and copy of certificate are taken on record.

4. In the aforesaid circumstances, the ground on which the services of the petitioner came to be terminated no longer survives and, accordingly, the petition is required to be allowed. The petition is, in the circumstances, allowed. Rule made absolute with no order as to costs.

Sd/-
[D.A. MEHTA, J]

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Bhavesh*